

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE: VALSARTAN, LOSARTAN, AND  
IRBESARTAN PRODUCTS LIABILITY  
LITIGATION

**NO. 1:19-MD-2875-RBK**

**SUPPLEMENTAL EXPERT DECLARATION OF RENA CONTI, PH.D.  
UPDATED CALCULATION OF THEORIES OF LIABILITY DAMAGES AND UNJUST  
ENRICHMENT DAMAGES**

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UPDATED CALCULATION OF THEORIES OF LIABILITY DAMAGES AND UNJUST  
ENRICHMENT DAMAGES**

1. Plaintiffs' Counsel in this matter has provided me additional data from the Defendant Retailers Kroger, Optum Rx, Rite-Aid, Walgreens, and Walmart, and asked that I incorporate this data in my calculation of damages incurred by the Class of consumers. All assumptions, methodologies, and damage categories described in my original report<sup>1</sup> remain the same. In addition, all Manufacturer damage calculations remain unchanged, as do all calculations for the Defendant Retailers not listed above, namely, Albertsons, CVS, and Express Scripts.
2. As described in my original report, I calculated Defendant Retailer theories of liability damages and unjust enrichment damages using Defendant Retailer pharmacy claims data.<sup>2</sup> Since performing the analyses presented in my original report, I have received additional retailer claims data. These new files, included in the updated calculations presented in this supplemental report, comprise the following: Kroger sales data on a small number of additional NDCs from 2013-2019,<sup>3</sup> Optum Rx claims data from 2019,<sup>4</sup> Rite-Aid claims data from 2013-2019,<sup>5</sup> Walgreens claims data from 2018,<sup>6</sup> and Walmart claims data from 2011-2019.<sup>7</sup> I have updated my calculations of the relevant Retailer theories of liability damages and unjust enrichment

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<sup>1</sup> See Expert Report of Rena Conti, Ph.D., *in this matter*, November 11, 2021 (hereafter, "my original report").

<sup>2</sup> See my original report, ¶ 78.

<sup>3</sup> [KROG-000861 Restricted Confidential Information] Valsartan Sales - RFP 5 Supplement.xlsx.

<sup>4</sup> Valsartan\_Dispensing\_Data\_2019.xlsx.

<sup>5</sup> Valsartan Sold Prescriptions RAD 2012 through 2019 (Supplemental NDC List).xlsx; Valsartan Sold Prescriptions RAD 2016 April.xlsx; Valsartan Sold Prescriptions RAD 2016 May.xlsx; Valsartan Sold Prescriptions RAD 2016 June.xlsx; Valsartan Sold Prescriptions RAD 2019Q1-2019Q4.xlsx.

<sup>6</sup> 000010\_WALGREENS0001132.xlsx.

<sup>7</sup> 000114\_Original1990439-n01.txt.

damages to include the additional at-issue Valsartan product claims contained in these files.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. In Supplemental Table 2, I present deduplicated, aggregate damages across both theories of liability for the Defendant Retailers. In Supplemental Table 3, I present deduplicated, aggregate unjust enrichment damages for the Defendant Retailers. These Tables are intended to replace the corresponding Tables in my original report.

8 [REDACTED]

9 [REDACTED]

**Supplemental Table 2**  
**Aggregate Retailer Damages Across Both Theories of Liability<sup>10</sup>**

Manufacturer Groups	Consumer Damages
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

**Supplemental Table 3**  
**Aggregate Retailer Unjust Enrichment Damages**

Manufacturer Groups	Consumer Damages
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

4. I provide a breakdown of the updated Retailer damages by state for each Theory of Liability and for Unjust Enrichment in Attachments G, H, and I. These Attachments are intended to replace the corresponding Attachments presented in my original report. All other Attachments presented in my original report remain unchanged, so I do not reproduce them here.

*Rena Conti*

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Rena Conti

March 31, 2022

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**ATTACHMENT G**

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1

1

	1990	1995	2000
1. <b>Overall</b>	1.00	1.00	1.00
2. <b>Subtotal</b>	1.00	1.00	1.00
3. <b>Subtotal</b>	1.00	1.00	1.00
4. <b>Subtotal</b>	1.00	1.00	1.00
5. <b>Subtotal</b>	1.00	1.00	1.00
6. <b>Subtotal</b>	1.00	1.00	1.00
7. <b>Subtotal</b>	1.00	1.00	1.00
8. <b>Subtotal</b>	1.00	1.00	1.00
9. <b>Subtotal</b>	1.00	1.00	1.00
10. <b>Subtotal</b>	1.00	1.00	1.00
11. <b>Subtotal</b>	1.00	1.00	1.00
12. <b>Subtotal</b>	1.00	1.00	1.00
13. <b>Subtotal</b>	1.00	1.00	1.00
14. <b>Subtotal</b>	1.00	1.00	1.00
15. <b>Subtotal</b>	1.00	1.00	1.00
16. <b>Subtotal</b>	1.00	1.00	1.00
17. <b>Subtotal</b>	1.00	1.00	1.00
18. <b>Subtotal</b>	1.00	1.00	1.00
19. <b>Subtotal</b>	1.00	1.00	1.00
20. <b>Subtotal</b>	1.00	1.00	1.00
21. <b>Subtotal</b>	1.00	1.00	1.00
22. <b>Subtotal</b>	1.00	1.00	1.00
23. <b>Subtotal</b>	1.00	1.00	1.00
24. <b>Subtotal</b>	1.00	1.00	1.00
25. <b>Subtotal</b>	1.00	1.00	1.00
26. <b>Subtotal</b>	1.00	1.00	1.00
27. <b>Subtotal</b>	1.00	1.00	1.00
28. <b>Subtotal</b>	1.00	1.00	1.00
29. <b>Subtotal</b>	1.00	1.00	1.00
30. <b>Subtotal</b>	1.00	1.00	1.00
31. <b>Subtotal</b>	1.00	1.00	1.00
32. <b>Subtotal</b>	1.00	1.00	1.00
33. <b>Subtotal</b>	1.00	1.00	1.00
34. <b>Subtotal</b>	1.00	1.00	1.00
35. <b>Subtotal</b>	1.00	1.00	1.00
36. <b>Subtotal</b>	1.00	1.00	1.00
37. <b>Subtotal</b>	1.00	1.00	1.00
38. <b>Subtotal</b>	1.00	1.00	1.00
39. <b>Subtotal</b>	1.00	1.00	1.00
40. <b>Subtotal</b>	1.00	1.00	1.00
41. <b>Subtotal</b>	1.00	1.00	1.00
42. <b>Subtotal</b>	1.00	1.00	1.00
43. <b>Subtotal</b>	1.00	1.00	1.00
44. <b>Subtotal</b>	1.00	1.00	1.00
45. <b>Subtotal</b>	1.00	1.00	1.00
46. <b>Subtotal</b>	1.00	1.00	1.00
47. <b>Subtotal</b>	1.00	1.00	1.00
48. <b>Subtotal</b>	1.00	1.00	1.00
49. <b>Subtotal</b>	1.00	1.00	1.00
50. <b>Subtotal</b>	1.00	1.00	1.00
51. <b>Subtotal</b>	1.00	1.00	1.00
52. <b>Subtotal</b>	1.00	1.00	1.00
53. <b>Subtotal</b>	1.00	1.00	1.00
54. <b>Subtotal</b>	1.00	1.00	1.00
55. <b>Subtotal</b>	1.00	1.00	1.00
56. <b>Subtotal</b>	1.00	1.00	1.00
57. <b>Subtotal</b>	1.00	1.00	1.00
58. <b>Subtotal</b>	1.00	1.00	1.00
59. <b>Subtotal</b>	1.00	1.00	1.00
60. <b>Subtotal</b>	1.00	1.00	1.00
61. <b>Subtotal</b>	1.00	1.00	1.00
62. <b>Subtotal</b>	1.00	1.00	1.00
63. <b>Subtotal</b>	1.00	1.00	1.00
64. <b>Subtotal</b>	1.00	1.00	1.00
65. <b>Subtotal</b>	1.00	1.00	1.00
66. <b>Subtotal</b>	1.00	1.00	1.00
67. <b>Subtotal</b>	1.00	1.00	1.00
68. <b>Subtotal</b>	1.00	1.00	1.00
69. <b>Subtotal</b>	1.00	1.00	1.00
70. <b>Subtotal</b>	1.00	1.00	1.00
71. <b>Subtotal</b>	1.00	1.00	1.00
72. <b>Subtotal</b>	1.00	1.00	1.00
73. <b>Subtotal</b>	1.00	1.00	1.00
74. <b>Subtotal</b>	1.00	1.00	1.00
75. <b>Subtotal</b>	1.00	1.00	1.00
76. <b>Subtotal</b>	1.00	1.00	1.00
77. <b>Subtotal</b>	1.00	1.00	1.00
78. <b>Subtotal</b>	1.00	1.00	1.00
79. <b>Subtotal</b>	1.00	1.00	1.00
80. <b>Subtotal</b>	1.00	1.00	1.00
81. <b>Subtotal</b>	1.00	1.00	1.00
82. <b>Subtotal</b>	1.00	1.00	1.00
83. <b>Subtotal</b>	1.00	1.00	1.00
84. <b>Subtotal</b>	1.00	1.00	1.00
85. <b>Subtotal</b>	1.00	1.00	1.00
86. <b>Subtotal</b>	1.00	1.00	1.00
87. <b>Subtotal</b>	1.00	1.00	1.00
88. <b>Subtotal</b>	1.00	1.00	1.00
89. <b>Subtotal</b>	1.00	1.00	1.00
90. <b>Subtotal</b>	1.00	1.00	1.00
91. <b>Subtotal</b>	1.00	1.00	1.00
92. <b>Subtotal</b>	1.00	1.00	1.00
93. <b>Subtotal</b>	1.00	1.00	1.00
94. <b>Subtotal</b>	1.00	1.00	1.00
95. <b>Subtotal</b>	1.00	1.00	1.00
96. <b>Subtotal</b>	1.00	1.00	1.00
97. <b>Subtotal</b>	1.00	1.00	1.00
98. <b>Subtotal</b>	1.00	1.00	1.00
99. <b>Subtotal</b>	1.00	1.00	1.00
100. <b>Subtotal</b>	1.00	1.00	1.00

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[REDACTED]  
 [REDACTED]  
 [REDACTED]



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State	1	2
Alabama		
Alaska		
Arizona		
Arkansas		
California		
Colorado		
Connecticut		
Delaware		
District of Columbia		
Florida		
Georgia		
Hawaii		
Idaho		
Illinois		
Indiana		
Iowa		
Kansas		
Kentucky		
Louisiana		
Maine		
Maryland		
Massachusetts		
Michigan		
Minnesota		
Mississippi		
Missouri		
Montana		
Nebraska		
Nevada		
New Hampshire		
New Jersey		
New Mexico		
New York		
North Carolina		
North Dakota		
Ohio		
Oklahoma		
Oregon		
Pennsylvania		
Rhode Island		
South Carolina		
South Dakota		
Tennessee		
Texas		
Utah		
Vermont		
Virginia		
Washington		
West Virginia		
Wisconsin		
Wyoming		

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[REDACTED]

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Attachment G.3,

[REDACTED]


[REDACTED]

**Attachment G.4,**

Attachment G.4

[REDACTED]

[REDACTED]		[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	

[REDACTED]

**ATTACHMENT H**

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**Attachment H.1,**

Row	Col 1	Col 2	Col 3	Col 4	Col 5	Col 6	Col 7	Col 8	Col 9	Col 10
1	Noun	Noun	Noun	Noun	Verb	Verb	Verb	Adjective	Adjective	Adverb
2	Noun	Noun	Verb	Verb	Verb	Verb	Adjective	Adjective	Adverb	
3	Noun	Verb	Verb	Verb	Verb	Adjective	Adjective	Adjective	Adverb	
4	Noun	Verb	Verb	Adjective	Adjective	Adjective	Adjective	Adverb	Adverb	
5	Noun	Noun	Verb	Verb	Verb	Adjective	Adjective	Adverb	Adverb	
6	Noun	Verb	Verb	Adjective	Adjective	Adjective	Adverb	Adverb	Adverb	
7	Noun	Verb	Verb	Adjective	Adjective	Adjective	Adverb	Adverb	Adverb	
8	Noun	Verb	Verb	Adjective	Adjective	Adjective	Adverb	Adverb	Adverb	
9	Noun	Verb	Verb	Adjective	Adjective	Adjective	Adverb	Adverb	Adverb	
10	Noun	Noun	Verb	Verb	Verb	Adjective	Adjective	Adverb	Adverb	

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Case No.	Age	Sex	Occupation	Duration of Illness	Chief Complaint	History of Present Illness	Physical Examination	Investigations	Treatment	Outcome
1	45	Male	Teacher	3 months	Weight loss, fatigue	Gradual weight loss of 10 kg, increased fatigue, loss of appetite.	Weight 60 kg, Hemoglobin 10 g/dl, TSH 15 mIU/L.	Thyroid function tests, TSH, T4, T3.	Levothyroxine 50 mg daily.	Improved, weight gained 5 kg.
2	52	Female	Homemaker	6 months	Heat intolerance, palpitations	Heat intolerance, palpitations, tremor, weight loss.	Weight 55 kg, Hemoglobin 12 g/dl, TSH 0.1 mIU/L.	Thyroid function tests, TSH, T4, T3.	Propylthiouracil 100 mg daily.	Improved, symptoms resolved.
3	38	Male	Engineer	1 year	Constipation, dry skin	Constipation, dry skin, cold intolerance, weight gain.	Weight 85 kg, Hemoglobin 11 g/dl, TSH 10 mIU/L.	Thyroid function tests, TSH, T4, T3.	Levothyroxine 25 mg daily.	Improved, symptoms resolved.
4	60	Female	Retired	2 years	Swelling, fatigue	Swelling, fatigue, weight gain, cold intolerance.	Weight 75 kg, Hemoglobin 9 g/dl, TSH 12 mIU/L.	Thyroid function tests, TSH, T4, T3.	Levothyroxine 50 mg daily.	Improved, swelling resolved.
5	42	Male	Businessman	4 months	Weight loss, irritability	Weight loss, irritability, tremor, heat intolerance.	Weight 65 kg, Hemoglobin 11 g/dl, TSH 0.2 mIU/L.	Thyroid function tests, TSH, T4, T3.	Propylthiouracil 100 mg daily.	Improved, symptoms resolved.

Attachment H.2,

[REDACTED]

[REDACTED]		[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]

[REDACTED]

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Case No.	Age	Sex	Occupation	Duration of Illness	Chief Complaint	History of Present Illness	Physical Examination	Investigations	Treatment	Outcome
1	45	Male	Teacher	3 months	Weight loss, fatigue	Gradual weight loss of 10 kg, constant fatigue, no fever or night sweats.	Normal	Normal	Supportive care	Recovered
2	60	Female	Homemaker	6 months	Joint pain, weakness	Joint pain in knees and hips, muscle weakness, no fever.	Mild joint tenderness	Normal	NSAIDs, physiotherapy	Improved
3	30	Male	Student	1 month	Headache, fever	Intermittent fever, severe headache, no cough or sore throat.	Normal	Normal	Antipyretics	Recovered
4	55	Female	Retired	2 months	Joint pain, weight loss	Joint pain, weight loss of 5 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
5	70	Male	Farmer	4 months	Joint pain, weakness	Joint pain, muscle weakness, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
6	40	Female	Teacher	3 months	Joint pain, weight loss	Joint pain, weight loss of 8 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
7	50	Male	Engineer	5 months	Joint pain, weight loss	Joint pain, weight loss of 12 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
8	65	Female	Homemaker	7 months	Joint pain, weight loss	Joint pain, weight loss of 15 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
9	35	Male	Student	2 months	Joint pain, weight loss	Joint pain, weight loss of 6 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
10	55	Female	Retired	4 months	Joint pain, weight loss	Joint pain, weight loss of 10 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
11	75	Male	Farmer	6 months	Joint pain, weight loss	Joint pain, weight loss of 18 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
12	45	Female	Teacher	3 months	Joint pain, weight loss	Joint pain, weight loss of 9 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
13	60	Male	Engineer	5 months	Joint pain, weight loss	Joint pain, weight loss of 14 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
14	70	Female	Homemaker	7 months	Joint pain, weight loss	Joint pain, weight loss of 16 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
15	30	Male	Student	2 months	Joint pain, weight loss	Joint pain, weight loss of 7 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
16	50	Female	Retired	4 months	Joint pain, weight loss	Joint pain, weight loss of 11 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
17	65	Male	Farmer	6 months	Joint pain, weight loss	Joint pain, weight loss of 19 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
18	40	Female	Teacher	3 months	Joint pain, weight loss	Joint pain, weight loss of 10 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
19	55	Male	Engineer	5 months	Joint pain, weight loss	Joint pain, weight loss of 13 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered
20	70	Female	Homemaker	7 months	Joint pain, weight loss	Joint pain, weight loss of 17 kg, no fever.	Mild joint tenderness	Normal	Supportive care	Recovered

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[illegible]

Attachment H.4,

[REDACTED]

[REDACTED]		[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	
[REDACTED]		[REDACTED]	

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Attachment H.5,

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[REDACTED]		[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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Attachment H.6,

[REDACTED]

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Attachment H.7,

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[REDACTED]

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Attachment H.8,

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Attachment H.9,

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**ATTACHMENT I**

**Attachment I.1,**

A black and white photograph of a large, multi-story building with a grid-like facade of windows. The building is viewed from a low angle, looking up. The left side of the image is heavily shadowed, while the right side is brightly lit. The building has a series of vertical columns and horizontal rows of windows, creating a strong geometric pattern.

**Attachment I.1,**

A black and white photograph of a large, multi-story building with a complex facade. The building features numerous windows, some of which are dark, suggesting they might be closed or the interior is dimly lit. The architecture appears to be a mix of modern and traditional styles, with a prominent central section that has a different roofline. In the foreground, there is a low wall and a paved area. The overall image is in black and white, giving it a historical or archival feel.

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Attachment I.2, [REDACTED]

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Attachment I.3,

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Attachment I.4, [REDACTED]

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	[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]	
[REDACTED]		[REDACTED]	

[REDACTED]

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[illegible]

**Attachment I.5,**

[REDACTED]  
 [REDACTED]  
 [REDACTED]

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Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099
1990	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099

Attachment I.6,

[REDACTED]

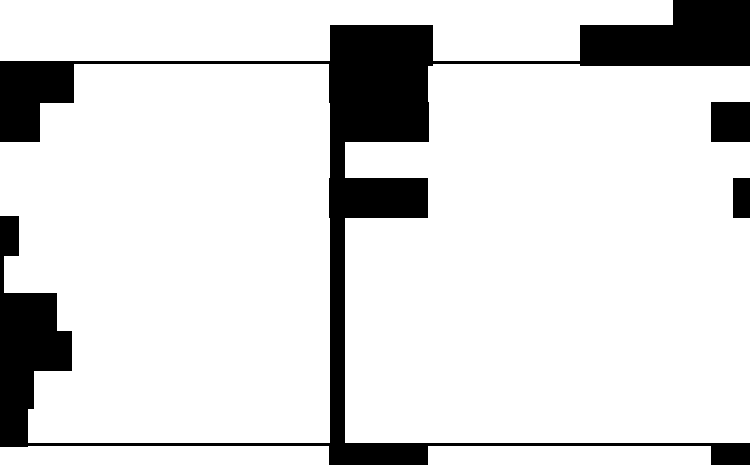
[REDACTED]		[REDACTED]		
[REDACTED]	[REDACTED]		[REDACTED]	
	[REDACTED]			
	[REDACTED]			
	[REDACTED]			
[REDACTED]		[REDACTED]		
[REDACTED]		[REDACTED]		

[REDACTED]

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[illegible]

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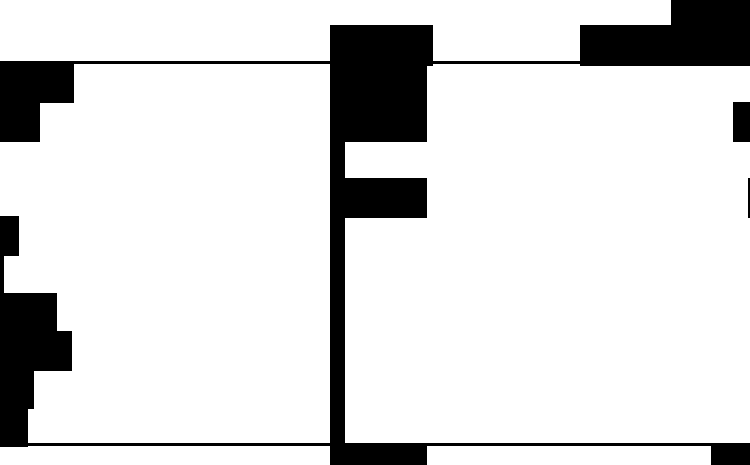


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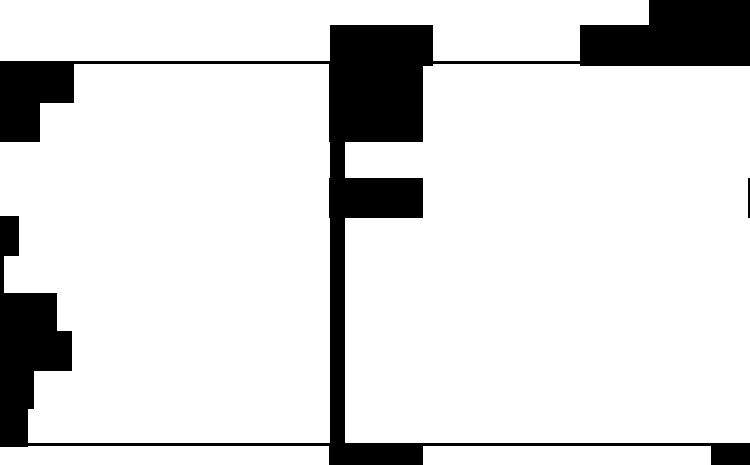


(b) (5) DPP, (b) (7)(C)

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[illegible]

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[REDACTED]  
 [REDACTED]  
 [REDACTED]